

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. After entry of the foregoing amendment, Claims 1, 3-7, 10, 14, 16-20, 23, and 30 remain pending in the present application. No new matter has been added.¹

By way of summary, the Office Action presented the following issues: Claims 1, 9, 14, 22, and 30 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent Application Publ'n No. 2004/0064719 to de Jong et al. (hereinafter "de Jong") in view of U.S. Patent Application Publ'n No. 2004/0042479 to Epstein et al. (hereinafter "Epstein") and U.S. Patent No. 7,222,185 to Day (hereinafter "Day"); Claims 6 and 19 were rejected under 35 U.S.C. § 103(a) as obvious over de Jong in view of Epstein, Day, and U.S. Patent No. 6,678,855 to Gemmell (hereinafter "Gemmell"); Claims 3-5 and 16-18 were rejected under 35 U.S.C. § 103(a) as obvious over de Jong in view of Epstein, Day, Gemmell, and U.S. Patent No. 7,143,143 to Thompson (hereinafter "Thompson"); and Claims 7 and 20 were rejected under 35 U.S.C. § 103(a) as obvious over de Jong in view of Epstein, Day, and U.S. Patent Application Publ'n No. 2003/0055988 to Noma et al. (hereinafter "Noma").

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicant and Applicant's representative wish to thank Examiner Nickerson for the courtesy of the interview granted on May 5, 2010. During the interview, amendments clarifying the claims of the applied references were discussed. Claim amendments and comments similar to those presented during the interview are included herein.

¹ The amendments to Claim 1 find support at least in Claims 9-10. The amendments to Claim 14 find support at least in Claims 22-23.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 9, 14, 22 and 30 were rejected under 35 U.S.C. § 103(a) as obvious over de Jong in view of Epstein and Day. In light of the several grounds of rejection on the merits, independent Claims 1 and 14 have been amended to clarify the claimed inventions and to thereby more clearly patentably define over the applied references.

Amended Claim 1 is directed to an information processing apparatus including, in part,

a processor configured . . . to set a probability value based on a number of encoded blocks of . . . reproduction object data, to indicate to [a] node whether to execute a process to return . . . return data to the information processing apparatus, and to generate [a] data reproduction process request packet, which stores the probability value and a designation of the reproduction object data; and

a network interface unit that transmits the data reproduction process request packet to the node . . . and receives the return data.

Applicant respectfully submits that de Jong, Epstein, and Day fail to disclose or suggest those features.

De Jong concerns a system for digital content access control in which an “authenticated digital content request 455 may comprise one or more delivery parameters”² According to de Jong, “Delivery parameter indicator 656 may indicate . . . a cryptographic protection protocol, a destination address, a process to perform on the digital content before delivery, or any combination thereof.”³

That is, de Jong merely describes a digital content request that includes delivery parameters. De Jong does not disclose or suggest that the delivery parameters are based on a number of encoded blocks of the digital content. It is respectfully submitted that de Jong fails to disclose or suggest “a processor configured . . . to set a probability value based on a

² De Jong, para. [0106].

³ Id., para. [0115].

number of encoded blocks of . . . reproduction object data, to indicate to [a] node whether to execute a process to return . . . return data to the information processing apparatus,” as recited in amended Claim 1.

Epstein concerns “a system for providing content to users including at least one multicast sub-system providing content to multiple users [and] at least one unicast sub-system providing content to individual users . . .”⁴ Day concerns a multicast transmission in which “a contents source transmits content to many receivers (e.g., one-to-many).”⁵ The Office did not rely upon Epstein or Day in rejecting the feature that “the judgment value is a probability value,” as recited in Claim 9.⁶ It is respectfully submitted that neither Epstein nor Day discloses or suggests “a processor configured . . . to set a probability value based on a number of encoded blocks of . . . reproduction object data, to indicate to [a] node whether to execute a process to return . . . return data to the information processing apparatus,” as recited in amended Claim 1.

Thus, de Jong, Epstein, and Day, taken alone or in combination, fail to disclose or suggest “a processor configured . . . to set a probability value based on a number of encoded blocks of . . . reproduction object data, to indicate to [a] node whether to execute a process to return . . . return data to the information processing apparatus,” as advantageously recited in amended Claim 1.

Applicant additionally submits that amended Claim 1 (and all associated dependent claims) patentably distinguishes over any proper combination of de Jong, Epstein, and Day for at least the foregoing reasons.

It is further submitted that independent Claim 14 (and all associated dependent claims) patentably distinguishes over any proper combination of de Jong, Epstein, and Day at least for reasons analogous to those set forth above with regard to Claim 1.

⁴ Epstein, para. [0016].

⁵ Day, col. 1, ll. 33-34.

⁶ Office Action at 5.

Further, it is submitted that Gemmell, Thompson, and Noma fail to remedy the above-noted deficiencies in de Jong, Epstein, and Day. It is therefore submitted that the rejections of dependent Claims 3-7 and 16- 20 are moot.

CONCLUSION

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the present application is patentably distinguished over the applied references and is in condition for allowance. An early and favorable action to that effect is respectfully requested.


Respectfully submitted,

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